

REMARKS

The Office Action mailed , has been received and its contents carefully noted. Claims 1, 2 and 4 were pending and claims 1, 2 and 4 were rejected. By this amendment, claim1 has been amended and claims 15-22 are newly added. Support may be found in the specification and the claims as originally filed. See, for example, page 3, lines 23-27, and page 7, lines 24-31. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

Issues Preventing Advancement of Prosecution

Applicants respectfully submit that it appears that the Examiner's interpretation of the meaning of "structurally modified" and its variations, including "structure modified" as set forth in the claims and recited in the previously submitted declarations, specification and arguments is preventing or inhibiting further prosecution of the instant application.

Thus, Applicants are submitting this Response in a good faith effort to advance prosecution. Also submitted herewith is a formal Interview Request for a personal interview with the Examiner and the Examiner's Supervisor in order to elicit the Examiners' recommendations in order to successfully advance prosecution.

Applicants earnestly request the Examiners' assistance in placing the instant application in a condition for allowance.

Art Rejections

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Ettlinger (EP 0672731). The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Ettlinger in view of Koehlert (US 5,928,723).

Applicants respectfully submit that Ettlinger, alone or in combination with Koehlert, does not teach or suggest pulverulent materials and mixtures in accordance with claim 1, wherein the structure modification is a physical modification of the physical structure of the pyrogenically prepared metalloid or metallic oxide, that the physical modification is the result of mechanical action. Nowhere do the cited documents teach or suggest that the pyrogenically prepared

metalloid or metallic oxide having the structure modification has a DBP number % which is smaller, e.g. at least 10% smaller, than a pyrogenically prepared metalloid or metallic oxide particle that lacks a structure modification. Nowhere do the cited documents teach or suggest pulverulent materials and mixtures thereof, comprising one or more silanized silica having alkylsilyl groups which are octylsilyl and/or hexadecylsilyl attached to said silica, and having the following physiochemical properties:

| | |
|-------------------------------|--------------------------|
| BET surface area | 25-400 m ² /g |
| Average primary particle size | 5-50 nm |
| pH value | 3-10 |
| Carbon content | 0.1-25% |
| DBP number % | <200%. |

Therefore, Applicants respectfully assert that the claims, as amended, are novel and the rejections under 35 U.S.C. 102(b) should properly be withdrawn.

Request for Interview

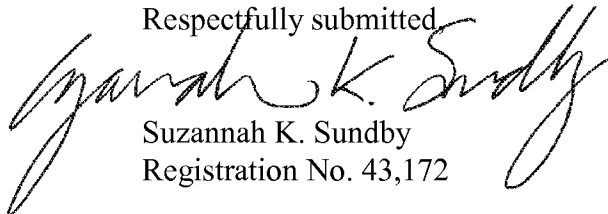
A formal Interview Request is being submitted herewith. In order to advance prosecution, Applicants respectfully request that the Examiner contact the undersigned in order to schedule a personal interview prior to further action on this case.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Official action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 024300**, Attorney Docket No. **032301.415**.

Respectfully submitted



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